**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929**

**WA.No. 2081 of 2002(D)**
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**AGAINST THE JUDGEMENT/ORDER IN OP.9953/2000 Dated 10/04/2002**
**.....**

**APPELLANT: PETITIONER**
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**K.C.RADHAMANI, ASSISTANT TEACHER,**
**P.C.PALAM A.U.P. SCHOOL, NARIKUNI,**
**KOZHIKODE.**

**BY ADV. SRI.R.K.MURALEEDHARAN**
**SRI.R.PARTHASARATHY**

**RESPONDENTS: RESPONDENTS**
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**1. THE ASSISTANT EDUCATIONAL OFFICER,**
**BALUSSERY.**

**2. THE DISTRICT EDUCATIONAL OFFICER,**
**VADAKARA.**

**3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
**THIRUVANANTHAPURAM.**

**4. JYOTHI KUMAR, ASSISTANT TEACHER,**
**P.C.PALAM, A.U.P. SCHOOL, P.O. P.C.PALAM,**
**NARIKUNI, KOZHIKODE DISTRICT.**

**5. STATE OF KERALA, REPRESENTED BY**
**SECRETARY TO GOVERNMENT, GENERAL EDUCATION,**
**THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI.BENNY GERVASIS FOR R1 TO R3**
**AND R5**
**SRI.T.K.MARTHANDAN UNNITHAN FOR R4**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.**

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**W.A. NO. 2081 OF 2002**

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**Dated this the 25th day of July, 2007**

**J U D G M E N T**

**Radhakrishnan, J.**

The appellant is aggrieved by the observation made by the learned Single Judge in the last sentence of paragraph 2, stating that the 4th respondent has a superior claim over the petitioner for retention in the school and the audit objection cannot affect the petitioner. Since that was not an issue in the OP, we are of the view that the observation would not bind the appellant here and if any issue is pending before any authority, the same shall be considered untramelled by the observation made by the learned Single Judge.

Writ appeal is disposed of as above.

**K.S.RADHAKRISHNAN, JUDGE.**

**ANTONY DOMINIC, JUDGE.**

Rp